

FILE COPY

STATE OF WISCONSIN
BEFORE THE REAL ESTATE BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

JOHN J. DREW, and
PARAGON HOMES, INC.,

RESPONDENTS

FINAL DECISION
AND ORDER

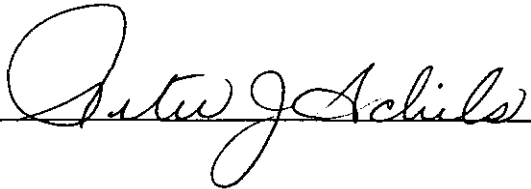
The State of Wisconsin, Real Estate Board, having considered the above-captioned matter and having reviewed the record and the Proposed Decision of the Hearing Examiner, makes the following:

ORDER

NOW, THEREFORE, it is hereby ordered that the Proposed Decision annexed hereto, filed by the Hearing Examiner, shall be and hereby is made and ordered the Final Decision of the State of Wisconsin, Real Estate Board.

The rights of a party aggrieved by this Decision to petition the Board for rehearing and the petition for judicial review are set forth on the attached "Notice of Appeal Information."

Dated this 27TH day of SEPTEMBER, 1990.



FINDINGS OF FACT

1. Respondent John J. Drew (Drew), presently incarcerated at the Federal Prison Camp, Leavenworth, Kansas, was at all times material to the Complaint herein licensed as a real estate broker in the State of Wisconsin, and has been so licensed since February 4, 1975 by license #8246.
2. Paragon Homes, Inc. (Paragon) was licensed as a corporate broker in the State of Wisconsin between March 18, 1975 and December 31, 1986, by license #13260, and has reinstatement rights under Wis. Stats. sec. 452.12(6)(d). Drew was at all times material hereto President of Paragon.
3. On or about January 9, 1990, in Case #89-CR-114, in the United States District Court for the Eastern District of Wisconsin, Judge Robert W. Warren presiding, there was a verdict of guilty and a judgment of conviction entered against Drew on Counts one through 21 of a 21 count Federal Indictment charging Drew with the offenses of bank fraud in violation of Title 18, Section 1344, U.S. Code, as charged in Counts one through 16, and of submitting false statements to a federally insured financial institution in violation of Title 18, Section 1014, U.S. Code, as charged in Counts 17 through 21.
4. The circumstances of Drew's conviction substantially relate to the circumstances of the practice of a real estate broker.

CONCLUSIONS OF LAW

1. The Real Estate Board has jurisdiction in this matter pursuant to Wis. Stats. sec. 452.14
2. The circumstances of Drew's conviction for the crimes of bank fraud and of submitting false statements to a federally insured financial institution substantially relate to the practice of a real estate broker within the meaning of Wis. Stats. sec. 111.335(1)(c)1.
3. In having been criminally convicted of the crimes of bank fraud and of submitting false statements to a federally insured financial institution, Drew has violated a law the circumstances of which substantially relate to the practices of a real estate broker, in violation of Wis. Adm. Code sec. RL 24.17(1), and has been convicted of a crime the circumstances of which substantially relate to the practices of a real estate broker, in violation of Wis. Adm. Code sec. RL 24.17(2). Pursuant to Wis. Adm. Code sec. RL 24.01(3), Drew has therefore demonstrated incompetency to act as a broker in such manner as to safeguard the interests of the public, in violation of Wis. Stats. sec. 452.14(3)(i).
4. Pursuant to Wis. Stats. sec. 452.14(4), disciplinary action against Drew, as President of Paragon Homes, Inc., is sufficient cause for discipline of Paragon Homes, Inc.

ORDER

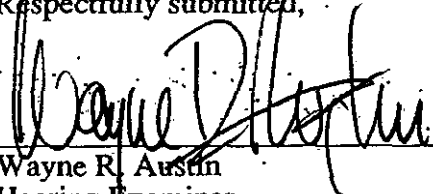
NOW, THEREFORE, IT IS ORDERED that the license of John J. Drew to practice as a real estate broker in the State of Wisconsin be, and hereby is, revoked, effective on the date of the order of the Real Estate Board adopting the terms of this Proposed Decision. Drew shall return any license certificates in his possession to the Real Estate Board immediately upon his notification of the board's order revoking the license.

The statutes and rules regulating the activities of real estate brokers are designed to protect and safeguard those persons who put their money and trust in brokers' hands. One who deals with a licensed broker has the right to assume that he or she is dealing with an honest and ethical professional. Drew's actions and conduct leading to his criminal conviction are completely antithetical to these principles and expectations and, in the opinion of the examiner, nothing short of full revocation of the license will therefore satisfy the stated disciplinary objectives.

The indication is that Paragon Homes is no longer in existence. However, revocation of its right to renew will permit the board to determine whether any attempted revival of the company is in the public's best interests, and to grant or deny relicensure of the company as the board deems appropriate.

Dated at Madison, Wisconsin this 15th day of August, 1990.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Wayne R. Austin", is written over a horizontal line.

Wayne R. Austin
Hearing Examiner

wra:BDLS:690

NOTICE OF APPEAL INFORMATION

(Notice of Rights for Rehearing or Judicial Review,
the times allowed for each and the identification
of the party to be named as respondent)

The following notice is served on you as part of the final decision:

1. Rehearing.

Any person aggrieved by this order may petition for a rehearing within 20 days of the service of this decision, as provided in section 227.49 of the Wisconsin Statutes, a copy of which is attached. The 20 day period commences the day after personal service or mailing of this decision. (The date of mailing of this decision is shown below.) The petition for rehearing should be filed with the State of Wisconsin Real Estate Board.

A petition for rehearing is not a prerequisite for appeal directly to circuit court through a petition for judicial review.

2. Judicial Review.

Any person aggrieved by this decision has a right to petition for judicial review of this decision as provided in section 227.53 of the Wisconsin Statutes, a copy of which is attached. The petition should be filed in circuit court and served upon the State of Wisconsin Real Estate Board.

within 30 days of service of this decision if there has been no petition for rehearing, or within 30 days of service of the order finally disposing of the petition for rehearing, or within 30 days after the final disposition by operation of law of any petition for rehearing.

The 30 day period commences the day after personal service or mailing of the decision or order, or the day after the final disposition by operation of the law of any petition for rehearing. (The date of mailing of this decision is shown below.) A petition for judicial review should be served upon, and name as the respondent, the following: the State of Wisconsin Real Estate Board.

The date of mailing of this decision is October 2, 1990.

WLD:dms
886-490